

Court of Appeals, State of Michigan

ORDER

People of MI v Yannick Pascal Washington

Docket No. 301403

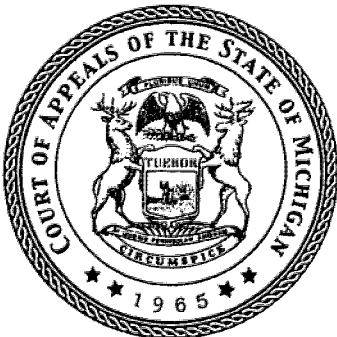
LC No. 06-000915-FH

Jane E. Markey
Presiding Judge

William B. Murphy

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the May 5, 2010 judgment of sentence is VACATED and the matter is REMANDED for prompt resentencing of defendant within the sentencing guidelines range. The trial court is not precluded, however, from imposing a sentence that departs from the guidelines range so long as the court identifies on the record substantial and compelling reasons that are objectively verifiable to justify its departure, *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003), and explains why the sentence imposed is more proportionate than a sentence within the guidelines recommendation would have been, *People v Smith*, 482 Mich 292; 754 NW2d 284 (2008). The Court expresses no opinion regarding whether substantial and compelling reasons exist to justify a guidelines departure. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 24 2011

Date

Sandra Schultz Mengel
Chief Clerk